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After more than a year of intense debate, the Bush administration on Tuesday issued rules to govern the first federal limits on mercury emissions from coal-fired power plants. They're a disappointment.

This is a particularly important issue in these parts. Last year, the Chicago area was identified by the U.S. Environmental Protection Agency as a mercury "hot spot," where relatively large amounts of mercury fall back to earth. Agency scientists found that nearly two-thirds of the mercury that falls on Chicago comes from sources inside Illinois.

Mercury is released into the air in many ways, natural and man-made. It doesn't generally pose a threat while airborne. Eventually, though, it settles and works its way into fish, and into humans when they eat the fish.
High mercury levels in the blood can be particularly damaging to developing fetuses, babies and young children. The EPA estimates more than 15 percent of the children born in the U.S. could be at risk of brain damage and learning difficulties because of mercury exposure in the womb.

Two years ago, the EPA had been on track to require each power plant to reduce mercury emissions by as much as 90 percent by 2008. The EPA projects its new rules, however, will cut emissions only in half by 2020. Moreover, the new rules don't do enough to target Chicago and other hot spots.

Critics argue, convincingly, that deeper and faster cuts are possible at many plants. The EPA's inspector general said in a February report that the way the rules were written was backward: officials set a target limit and then wrote the rules to achieve that, rather than pushing for the maximum amount that could reasonably be scrubbed from power plant emissions.

That same report criticized the EPA for failing to "fully analyze the potential for hot spots" under its proposed market system, called cap and trade.

Such a system works by setting a federal limit--a cap--on pollution, then allowing companies to buy or sell "credits" to pollute. Companies that pollute less than their limit can sell the credits to other companies so they can pollute more.

That system is generally preferable to the traditional command-and-control system, because it provides welcome market flexibility to companies in their efforts to clean up. It has been proven to work in reducing sulfur dioxide, a major component of acid rain.

For such a system to work on mercury, though, the trading rules must aggressively attack the hot spots. These rules don't. The EPA argues that trading systems generally force the biggest polluters to clean up the most and the fastest. But that's not guaranteed.

U.S. Rep. Mark Kirk (R-Ill.) suggests a better solution: Set up a trading system, but exclude companies near hot spots from buying credits to emit more mercury. Such a move would reduce the flexibility of the trading system and could cost some of the owners of coal-fired generators if they're forced to install scrubbers rather than pay for credits. But it would address the problem of mercury precisely where the problem is greatest. The EPA rules don't do that and that's a fatal flaw.